IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION NO. 2510 OF 2002

The Bombay Goods Transport Association.] .. Petitioners

Versus

1. Regional Director, Employees' State]
Insurance Corporation & ors.] .. Respondents

None for the petitioners.

None for the respondents.

CORAM: R.M. LODHA &
A.S. BAGGA, JJ.

DATED: 21ST JUNE, 2006

P.C. :

. None appears for the parties. However, in the absence of the parties, we carefully examined the averments made in this Writ Petition in the nature of Public Interest Litigation.

2. The petitioner viz. The Bombay Goods Transport Association claims to be representative of various transport companies. It is stated that these transport companies require number of employees for loading and unloading work. The grievance is that the officers and the officials under the Regional Director,

Employees State Insurance Corporation harass these transport companies by sending recovery notices of contribution under the Employees State Insurance Act, 1948. On 18th February, 2002, a letter was written by the Goods Transport Labour Board for Greater Mumbai (respondent No.3) to the Principal Secretary, Industry, Energy & Labour Department which is impugned in the present Writ Petition.

3. In the Writ Petition it is averred that for the purpose of ascertaining whether an establishment has employed 20 or more persons, irregular procedures are followed by the Regional Director, Employees State Insurance Corporation (respondent No.1). According to the petitioner, the provisions contained in the Maharashtra Mathadi Hamal & Other Manual Workers (Regulation of Employment and Welfare) Act, 1969 are ignored and overlooked and the employees of the Goods Transport Labour Board for Greater Bombay who periodically lend their services are included by the Regional Director for the purpose of coverage. According to the petitioner, registered workers cannot be counted for arriving at the required figure of 20 workers for enforcement of the Act of 1948. Many extremist factors, the petitioner alleges, are added by the respondent No.1 to cover the establishment somehow.

4. Save and except the general allegations made in the Writ Petition, on careful scrutiny of the entire Writ Petition, we find that no specific facts about such wrongful coverage have been averred. As it is, as to whether a particular establishment has employed 20 or more employees for the purpose of coverage under the Employees State Insurance Act, 1948, shall depend on facts of each individual case.

5. We are satisfied that the Writ Petition, in the nature of Public Interest Litigation, does not deserve to be entertained. It will be open to an individual establishment to raise its grievance in appropriate proceedings.

6. Writ Petition is dismissed accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[A.S. BAGGA, J.]